REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated November 4, 2008 and, thus, the application is in condition for allowance.

By this reply, no claims have been amended or canceled. Claims 10-18, 32-36, 38, 41 and 42 remain pending. Of the pending claims, claims 10 and 32 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 10-16, 18, 32, 34-36, 41 and 42 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description. It is asserted that the cited claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor has possession of the claimed invention. Applicant respectfully traverses. The claims are read in light of the specification and the knowledge of one having ordinary skill in the art. The recited claims do not purport to cure a disease but rather to offer a method of treatment, which is well in line with the language of the specification, particularly when considered from the perspective of one having ordinary skill in the art. Thus, the claims are supported by the specification, and the rejection should be withdrawn and the claims allowed to issue.

In the outstanding Office Action, claims 10, 12, 13 and 32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Adams (U.S. Pat No. 6,077,277). It is asserted that Adams discloses a method that is substantially the same as the present invention as recited in the pending claims. Thus, it is concluded that Adams anticipates the present invention as recited in the present claims. Applicant respectfully traverses.

Following up on the arguments made in the prior response, Applicant deems that the claims, as currently amended, were not evaluated by the Board so the arguments made therein by

the Board are not applicable to the claims as they now stand. Furthermore, Applicant maintains that no reference of record, alone or in combination, teach or fairly suggest the present invention as recited in the pending claims, including for example, measuring the level of activation of white blood cells in a subject with the disease or condition. None of the references fairly disclose at least such step so they cannot rightfully anticipate the present invention. Allowance of the pending claims is respectfully requested.

In the outstanding Office Action, claims 10, 12-16, 32 and 34-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by Groutas (U.S. Pat No. 6,077,277). It is asserted that Groutas discloses a method that is substantially the same as the present invention as recited in the pending claims. Thus, it is concluded that Groutas anticipates the present invention as recited in the present claims. Applicant respectfully traverses.

Following up on the arguments made in the prior response, Applicant deems that the claims, as currently amended, were not evaluated by the Board so the arguments made therein by the Board are not applicable to the claims as they now stand. Furthermore, Applicant maintains that no reference of record, alone or in combination, teach or fairly suggest the present invention as recited in the pending claims, including for example, measuring the level of activation of white blood cells in a subject with the disease or condition. None of the references fairly disclose at least such step so they cannot rightfully anticipate the present invention. Allowance of the pending claims is respectfully requested.

In the outstanding Office Action, claims 10, 11, 32 and 42 were rejected under 35 U.S.C. § 102(e) as being anticipated by Rabkin (U.S. Pat No. 6,077,277). It is asserted that Rabkin discloses a method that is substantially the same as the present invention as recited in the

pending claims. Thus, it is concluded that Rabkin anticipates the present invention as recited in the present claims. Applicant respectfully traverses.

Following up on the arguments made in the prior response, Applicant deems that the claims, as currently amended, were not evaluated by the Board so the arguments made therein by the Board are not applicable to the claims as they now stand. Furthermore, Applicant maintains that no reference of record, alone or in combination, teach or fairly suggest the present invention as recited in the pending claims, including for example, measuring the level of activation of white blood cells in a subject with the disease or condition. None of the references fairly disclose at least such step so they cannot rightfully anticipate the present invention. Allowance of the pending claims is respectfully requested.

In the outstanding Office Action, claims 10, 11, 32 and 42 were rejected under 35 U.S.C. § 102(b) as being anticipated by WO 92/15707. It is asserted that this WO reference discloses a method that is substantially the same as the present invention as recited in the pending claims. Thus, it is concluded that WO anticipates the present invention as recited in the present claims. Applicant respectfully traverses.

Following up on the arguments made in the prior response, Applicant deems that the claims, as currently amended, were not evaluated by the Board so the arguments made therein by the Board are not applicable to the claims as they now stand. Furthermore, Applicant maintains that no reference of record, alone or in combination, teach or fairly suggest the present invention as recited in the pending claims, including for example, measuring the level of activation of white blood cells in a subject with the disease or condition. None of the references fairly disclose at least such step so they cannot rightfully anticipate the present invention. Allowance of the pending claims is respectfully requested.

In the outstanding Office Action, claims 10, 12-16, 18, 32, 34-36 and 41 were rejected under 35 U.S.C. § 103(a) as being obvious over Groutas in view of JP 409040579. It is asserted that Groutas discloses a method that is substantially the same as the present invention as recited in the pending claims but for disclosure of the use of futhan. It is then added that JP discloses such use so the combination would render the present claims as obvious. Applicant respectfully traverses.

Following up on the arguments made in the prior response, Applicant deems that the claims, as currently amended, were not evaluated by the Board so the arguments made therein by the Board are not applicable to the claims as they now stand. Furthermore, Applicant maintains that no reference of record, alone or in combination, teach or fairly suggest the present invention as recited in the pending claims, including for example, measuring the level of activation of white blood cells in a subject with the disease or condition. None of the references fairly disclose at least such step so they cannot rightfully anticipate the present invention. The combination also fails for the same reasons as set forth for each individual reference. Allowance of the pending claims is respectfully requested.

A THREE (3) month extension of time is hereby requested to enter this response. If any fees are associated with the entering and consideration of this request for consideration, please charge such fees to our Deposit Account 50-2882.

As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

Date: May 4, 2009

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